

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2776 OF 2007

Firozkhan @ Munna Husenkhan Pathan .. Applicant

V/s

State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO. 2896 OF 2007

Riyaz Sattar Sayyed .. Applicant

V/s

State of Maharashtra .. Respondent

Mr.R.J. Kasliwal for the applicants.

Mr.K.V. Saste for the respondent.

CORAM : D.G. KARNIK, J.

DATE : 4TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants herein are co-accused against whom a crime has been registered under C.R. No.243/2006

with the Bhadrakali Police Station, Nasik for the alleged offences punishable under sections 307, 120(B) of the I.P.C., sections 4 and 5 of the Indian Explosives Act and section 9B(1)(b) of the Explosives Substances Act.

3. Charge-sheet has been filed against the applicants along with six other accused. The applicants have been arrested on 8th November 2006 and are in custody for more than one year.

4. One of the co-accused Jaya Ramdas Ahire has been granted bail by an order dated 4th April 2007 of the Sessions Court in Criminal Misc. Application No.220 of 2007. Another accused Wasim @ Jakir @ Sanny Jabbar Ali has also been enlarged on bail by an order dated 25th May 2007 of the Sessions Court. On the basis that the two accused have been granted bail, the third co-accused Amrish Deepak Giri made an application for bail to this Court and vide order dated 14th September 2007 passed in Criminal Application No.1040 of 2007, this Court has granted bail to him on the ground of parity. The applicants also claim bail on the ground of parity.

5. Learned counsel for the applicants point out that no specific role has been alleged against

applicants than the one alleged against the three other accused who have been granted bail. Learned A.P.P. was unable to point out any specific role alleged against the applicants other than the role allegedly played by the other three accused who have been granted bail.

6. When these applications came up for hearing before this Court on 12th October 2007, the learned A.P.P. made a statement that the prosecution intended to move the court for cancellation of bail in respect of other co-accused. The matter was, therefore, adjourned from time to time. Today, the learned A.P.P. states that the State has decided not to make any application for cancellation of bail granted to the other co-accused.

7. In view of the fact that the other co-accused have been granted bail on similar facts and there is no specific allegation against the present applicants other than the allegations made against the other co-accused and also considering that the State has acquiesced to the grant of bail to the other three co-accused, two by the Sessions Court and one by this Court, the applicants are also entitled to bail on the ground of parity. In the circumstances, I pass the following order:

ORDER

The applicants shall be released on bail in connection with C.R. No.243/2006 registered with Bhadrakali Police Station, Nasik, in the sum of Rs.25,000/- each with one or two local sureties of the same aggregate amount subject to the following conditions:

(a) The applicants shall report to the concerned police once in a week, i.e. on every Friday between 3.00 and 5.00 p.m. till conclusion of the trial.

(b) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(c) The applicants shall not directly or indirectly make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) The applicants shall cooperate with the

investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(e) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

(D.G. KARNIK, J.)